G. R. S. IX-5]

Previous references.

LR 62-91.

1894-95.

~~191~~

(LR)

File No. 63-94

Serial Nos. 1-6

Later references.

LR 517-25-(1-5)

23-39-77+79.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1-6

Major ~~Part B~~ for September 94

SUBJECT.

Sale of Service Inam land attached to the Office of ~~Tahsildar~~ Shanbhogue of Mahajanahalli, of Tarikere Sub Taluk.

Acquittance roll

W D 88—GPL—50,000—24-7-16

Indexed KR

II/a

2

1893.

GOVERNMENT OF MYSORE.

JUDICIAL.

PROCEEDINGS.

Dated 22nd March 1893.

No. 16491.
J. 917.

Approving of the circular proposed to be issued by the Inspector General of Registration withdrawing the prohibition against registration of documents affecting the alienation of unenfranchised Inams by way of sale, mortgage or otherwise and directing that the circulars of the Inspector General of Registration heretofore in force be withdrawn.

Mysore Govt. C. Press, Bangalore.—20-1-93.—120

(2) The document was duly presented for registration in the office of the Sub-Registrar of Nanjangud who refused to register the same on the ground that the Inam village hypothecated has not been enfranchised.

(3) In an appeal against the order of the Sub-Registrar, the 2nd Defendant, the Registrar has also refused registration of the document.

(4) The Inam is not one which is ever enfranchisable.

(5) The cause of action arose within the jurisdiction of this Court on 9th November 1886.

(6) The plaintiff prays under Section 77 of the Registration Act in force for a decree directing the registration of the document together with costs.

3. The Defendant pleaded as follows :—

1st Defendant.—The 1st Defendant informed the plaintiff at the time the document was about to be written the difficulties about registering the document and he is willing to register the document.

2nd and 3rd Defendants.—The 2nd and 3rd Defendants are not liable to the plaintiff's suit under Section 86 of the Registration Act, inasmuch as they have acted under the authority of the Rules in force.

4. The suit came on for settlement of issues on 29th March 1887.

The plaintiff was represented by Mr. Lakshminarasimmaiengar, Advocate.

The 1st Defendant was represented by Mr. Guru Rao, 1st Grade Pleader.

The 2nd and 3rd Defendants appeared in person.

The following issue was settled :—

Whether the Registering officer can be directed to register the plaint bond ?

5. The suit came on for final hearing on 4th April 1887.

The plaintiff appeared as before.

The 3rd Defendant appeared in person.

The 1st and 2nd Defendants were absent.

No witnesses were examined on either side.

The plaintiff filed the following exhibits :—

a. Deed of hypothecation, dated 10th April 1886, executed by 1st Defendant to plaintiff for Rs. 33,000.

b. Inam certificate.

6. The only issue for decision in this case is whether the Registering officer can be compelled to register the plaint bond.

7. The Registering officer has relied on the Circular No. 22—17, dated the 5th February 1870 issued by the Registrar General, which enjoined invariably the non-admission for registration of documents in support of the alienation of unenfranchised Inams. It was based on the Inam Commissioner's Circular published at page 264 of the Mysore Gazette, dated 22nd January 1870. Neither the Inam Commissioner nor the Registrar General had any authority to issue such a circular.

8. The main question for consideration is whether the above circular has the force of law. It has been held in several cases before the rendition, that no rule or order can be considered as having the force of law in this Province unless it was sanctioned by the Governor-General in Council, which was done in his administrative executive capacity. It has not been shown that it obtained the sanction of the Governor-General, nor am I aware that the said circular has the force of law. I consider that the rights of Government under the escheat rules and its powers of resumption in other cases could not be affected by the mere registering of a document relating to unenfranchised Inams. I fail to see any legally valid objections on public grounds to refuse the registration of the document.

Proceedings of the Government of His Highness the Maharaja of Mysore (Judicial),—dated 22nd March 1893.

READ :—

Letter No. 142—119, dated 13th June 1887, from the Inspector General of Registration to the Chief Secretary to the Government of Mysore.

I have the honor to bring to notice that a document executed by the Priest of the Raghavendraswami Matt was presented for registration at the Nanjangud Sub-Registry office. As the document related to unenfranchised Inam lands, the Sub-Registrar refused its registration in accordance with the orders contained in this Office Circular No. 2, dated 5th May 1885, (copy enclosed). From this order an appeal was made to the Registrar of Mysore, who confirmed the Sub-Registrar's order. But the holder of the document filed a suit in the District Judge's Court of Mysore for a decree directing the registration of the document in question as laid down in Section 77 of the Registration Act. In this suit the Registrar and Sub-Registrar having been made defendants, the District Judge issued summonses for the attendance of these officers. The case was referred to me, and I directed the Registrar to attend the Court and explain matters. It appears that the District Judge has finally directed the document to be registered. This order seems not to be in accordance with the circulars. But this is not the point I wish to invite particular attention to. It is that, if in a suit against the order of refusal passed by the Registering officers under the provisions of the Registration Act and the rules and circulars, the Civil Courts should allow these officers to be made parties to the suit and require their attendance, this would not only create a great deal of inconvenience to them but also lead possibly to undesirable and clumsy complications in the matter of costs. I therefore request that you will place the matter before the Dewan in order that an authoritative ruling may be passed in consultation with the Chief Court on the subject. And in doing so I venture to submit that there seems no better reason to exist for making the Registering officers defendants in such suits than for making the Judges passing Judicial orders, defendants in suits brought to set aside the orders in question.

2. This office docket No. 1510—134, dated 23rd June 1887 to the Inspector General of Registration in Mysore.

His letter No. 142—119, dated 13th instant, requesting that, in consultation with the Chief Court, an authoritative ruling may be made prohibiting Registering officers being made parties in suits instituted, under Section 77 of the Registration Act.

The Dewan considers that this is not a matter which he would like to settle by correspondence with the Chief Court. The *non-liability* of the District Registrar to be made a party should have been made a ground of defence. The Inspector General is requested to submit a copy of Judgment of the District Court for the information of the Dewan.

3. Judgment in Original Suit No. 2 of 1887 on the file of the District Judge, Mysore.

IN THE COURT OF THE DISTRICT JUDGE, MYSORE.

ORIGINAL SUIT NO. 2 OF 1887.

Mysore, dated 5th April 1887.

Present.—S. HAMAJEE RAO, Esq., *District Judge.*

Plaintiff.	Vs.	*Defendants.*
Dasasetti.		1. Srimat Supragyanendra Tirtha Sripadangalu, Head of Sriraghavendraswami Matt. 2. The Registrar of the Mysore District. 3. The Sub-Registrar of the Nanjangud Taluk.

Judgment.

This suit is brought for a decree directing the registration of a deed of hypothecation, dated 10th April 1886, executed by 1st Defendant to Plaintiff for Rs. 33,000.

2. The plaint is as follows:—

(1) The 1st Defendant executed the hypothecation bond filed with the plaint for Rs. 33,000 on 10th April 1886, and he is bound to complete the contract by obtaining the registration of the same.

Please see letter to agency
on this subject.

Submitted.

The man in possession
of the land is the same
Kasapha who applied for the
settlement ~~of the land~~
for some debt due to him
by Standing ~~Kasapha~~ Hari Kasapha
irrespective of the amount
(Rs.) due to him on
the mortgage of the said land

Though the Munsif's
order nonetheless the Collector
release the property from
attachment, the land is
existing in the hands of the
mortgagee (Kasapha) besides
the, Standing ~~Kasapha~~ Hari Kasapha
has instituted the
said suit to one Sadoba
Timmappa for Rs 200/-.
The deed which is dated 9th
December 93 is said to have
been registered on the 18th
February 1894.

[illegible] The mortgage of the land
15/9/96 in question is not recog-
nized - either by Govt.
or by Civil Court. The possession
of Kasapha - is therefore illegal
& is not taken into account

M
16/9/96

Submitted to Govt
16/9/96

Land was sold in execution of decree

The mortgage deed in favour of Kasapha is not produced by the Revenue authorities. The Revenue authorities should be directed to produce the mortgage deed in favour of Kasapha & if it is not produced, the land should be restored to the owner who will continue to enjoy the land by the payment of Jodi & not full assessment.

C
17-9-96.

It is assumed that the Shanbhogship and land appertaining to the Shanbhogship were sold in execution of decree against the Shanbhog & cannot remain in the hands of Kasapha. The Revenue authorities should see that the proper steps are taken & the land restored to the Shanbhog if necessary.

9. The advocate for the plaintiff argued that the Inam in question was a religious endowment and the circular prohibiting the registration did not apply to his case. The point does not arise in this case and I decline to give any opinion on it.

10. A decree will therefore be passed directing the Sub-Registrar of Nanjangud to register the document under the rules in force. I shall allow no costs in this case.

---

4. Letters Nos. 310 and 358—12, dated 14th November 1890 and 16th December 1890, respectively, from the Inspector General of Registration in Mysore, to the Chief Secretary to the Government of Mysore.

(*a*) I have the honor to submit for the Dewan's instructions the enclosed letter No. 58—12, dated 6th November, from the District Registrar of Mysore.

2. The circulars issued from this office prohibiting the registration of documents evidencing the alienation are noted in the margin, and for facility of reference, I forward a printed copy of the Registration circulars and standing orders with the page of the book marked against each of the marginally noted circulars.

Page 1, No. 1—15, dated 9th February 1866.
Do 18, No. 21—17, dated 5th February 1870.
Do 21, No. 25— 4, dated 29th June 1870.
Do 33, No. 2 of 1885-86, dated 5th May 1885.
Do 36, No. 3 of 1886-87, dated 4th September 1886.

3. I beg to forward also for facility of reference the 6th Volume of the Mysore Gazette and to invite the Dewan's attention to the Notification of the Inam Commissioner published in page 36, also a copy of a Judgment of the Chief Court and of the District Judge of Mysore sent to me with the District Registrar's reference.

4. I agree with the District Registrar in considering that the circulars issued from my office imposing the prohibition should be withdrawn or otherwise cancelled.

5. Beyond aiming to prove the fact of execution, the Registration of a document confers no rights which the document itself cannot convey, and does not and cannot bar the right of the Government to reversion if such a right should exist.

6. In withdrawing the prohibition, the Registration officers may be directed to forward to the Deputy Commissioner of the District, copies of such of the documents presented to them as are opposed to the letter and spirit of the circular orders referred to, so that the Deputy Commissioner may have a record of all these unauthorized alienations.

7. I beg that the enclosures of this letter may be kindly sent back to me when no longer necessary.

(*b*). In reply to your docket No. 9256—1172, dated 17th November 1890, I have the honor to submit for the approval of the Government a circular proposed to be issued on the subject of Registration of documents alienating Inam lands.

No. 16491—J. 917, DATED, BANGALORE, 22ND MARCH 1893.

ORDER THEREON.—The circular alluded to in the judgment of the District Judge, Mysore, as well as another similar to it (Circular No. 2 of 1885-86, dated 5th March 1885), issued by the Inspector General of Registration directing the Registering officers to refuse registration of documents relating to alienation of unenfranchised Inams, have evidently been based on paras 4 of the notifications of the Inam Commissioner, dated 23rd December 1868 and 6th June 1870, published, respectively, at page 36 of the Mysore Gazette, No. 3, dated 16th January 1869, and at pages 264 and 265 of the Mysore Gazette, No. 16, dated 22nd January 1870. On careful consideration of the matter, the Government are satisfied that neither the notifications of the Inam Commissioner nor the circulars of the Inspector General of Registration based thereon, could have the force of law, so as to make it obligatory on Courts to recognize them as such and give effect to them.

2. Section 67 of the Registration Act empowers the Inspector General of Registration to frame rules consistent with the Act, after such rules have been submitted to and approved by Government, but in the present case, it is not possible to say that the circulars, in question, were consistent with the Act, as the Act no-

where lays down that documents of the kind referred to, shall not be registered; on the other hand, the principle of the Act seems to be to enforce registration in as many cases as possible, compulsory in some, and optional in others.

2. Registration gives no title to the party, which by law, he does not possess, and the registration of a deed relating to alienation of an unenfranchised, service, or temple Inam cannot affect the Inam tenure or the right of the Government to resume it, if necessary. Under these circumstances, the Government approve of the circular proposed to be issued by the Inspector General withdrawing the prohibition against registration of documents affecting the alienation of unenfranchised Inams by way of sale, mortgage or otherwise, and direct that the circulars of the Inspector General of Registration noted in the margin be withdrawn as they are of no legal force whatever.

Page 1 No. 1—15, dated 9th February 1866.
Do 18, No. 21—17, dated 5th February 1870.
Do 21, No. 25—4, dated 29th June 1870.
Do 88, No. 2 of 1885-86, dated 5th May 1885.
Do 96, No. 8 of 1886-87, dated 4th September 1886.

T. ANANDA ROW,
Chief Secretary.

To—The Inspector General of Registration in Mysore.

Exd.—M.A.

Judicial Branch

Place into fort
Pro. No. 0491 / 2917 d. 22.3.93 *
* See note

Govt order quoted is herewith put up. [illegible] 24/8/94

Attachment of Shanbhog's Service Inam land by the Civil Court

Further report from the Dy Comr. may be awaited or called for.

It is not stated whether the alienor Hiriappa is still doing the Shanbhog duties & what the circumstances, his position is, [illegible]

Sub for orders. [illegible] 4/9/94

[illegible] 7/9/94

Note: The land in question has been hit by the Civil Dept. [illegible]

Call for further report with [illegible]

The DC's action reported is approved

[illegible] 14/9

[illegible] 19/9/94

Gen. Serial No. 30.]

1894 OFFICE OF THE [illegible] 14 AUG 94

From The Deputy Commissioner Chitaldroog District

R.64

To

The Chief Secretary to the Government ~~Dewan~~ of Mysore.

Section XII
File No. 63-94
Serial No. 1

Dated 10th August 1894.

Despatched "

Received

Enclosures No. One file of Vernacular papers ~~[illegible]~~

General No. 03
No. 97

In reply to

SUBJECT.

Submitting for the orders of Govt. the attachment of a certain service inam land attached to the office of Shanbhog in the village of Mahajinahalli of the Hiriyur Sub Taluk by the Munsiff's Court.

[illegible]

No. 13/8/94

References (to be entered only in the Dewan's Office.)

Submitted for reference
[illegible] 27/8.

(11)

No. 100. Encl:
97. File of
Vernacular papers.

Deputy Commissioner's Office
Chitaldroog District
Dated 16th August 1894.

From

The Deputy Commissioner
Chitaldroog District.

To

The Chief Secretary to the
Government of Mysore
Bangalore.

Sir,

I have the honour to state that land No. 12 situate at Mahajanahalli of the Hanchan Sub Taluk is a service Inam land attached to the Office of Shanbogue. A portion of it measuring 8 acres and 34 guntas was resumed at Rs: 16 of which Rs: 12 represent the dedicated Inam; was in the possession and enjoyment of one of the Pujaris named Hanumaya. A few years back, he came to have transferred possession of that portion to one Kuccappa from whom he borrowed a sum

Nine of Rs. 20 on the security thereof.
In execution of a decree obtained upon a document other than the one relating to the said transaction, Kapaipa has now placed the above mentioned land under attachment.

2. On 19th December 1893, Virasinha is reported to have hypothecated the said land to one Vimaspa for Rs. 200 under a registered document. Vimaspa's application reciting the above attachment comes on for hearing in the Womali Munsiff's Court on the 14th instant.

3. Both the attachment and the hypothecation above referred to are open to objection, the land being an unencumbered and inalienable Crown grant.

4. In a similar case, the Government ordered a petition to be filed objecting to the attachment placed at the instance of a Judgment Creditor (Proceedings of Government No. 4973-88 dated 20th June 1892 and Proceedings of Government No. 1165-76-S.J. 244-92 dated 9th January 1893). If the attachment in the present case was made

Jan

Serial No 6

Serial No 10

Jan Lacci as on 12th April last and as it is desirable that an objection should be taken to it before it is too late, I have in anticipation of Government sanction and in reliance upon the authority quoted above, instructed a pleader of the Tinnevelly Municipal Court to at once prefer a claim under the provisions of the Code of Civil Procedure. The result will be intimated to Government in due course.

5. The application in favour of Tinnappa being invalid and this being the second instance of such illegal alienation of the land by Tinnappa, I beg to recommend that the land be resumed by Government and after being assessed to full assessment be disposed of by sale or otherwise. (Proceedings of Government No. 1644-J. 917, dated 22nd March 1893, para 3).

6. The remarks and papers bearing upon the subject are herewith submitted.

† Should stop for footnote

submitted.

I have the honor to be
Sir,
Your most obedient Servant.

E. McCausland
Deputy Commissioner
Civil Service Victoria

P.C.B.

Enclosure

AR 63. 6 Co.

Vernacular papers.

Enclosures 6 - Circulars
of Commissioner's letter No. 106 &
dated 10th August 94.

2

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6

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9

10

11

12

262

378
383

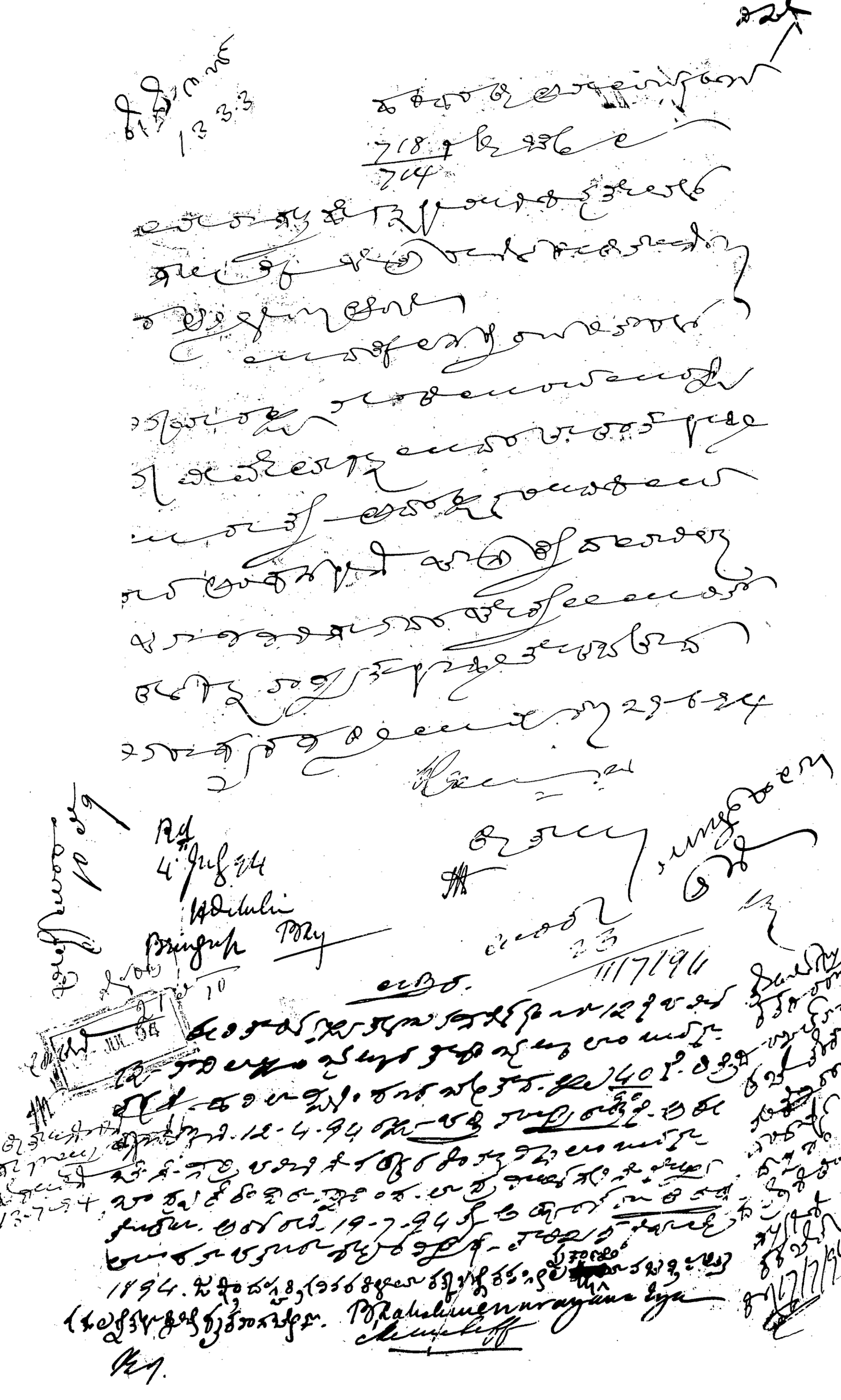
273

45-3

12-4-94

20 JUN 1994

28/3



Please refer to this case. I want to know why the land in question has not been attached by the Civil Court in execution of a decree. As the decree of Khurda to which the property attached belongs was passed when this land, or part of it, was not in dispute it should not have been attached, and the attachment should be withdrawn.

D.L.
29-6-96

Taken before me

Advocate

Solemnly affirmed at Ernakulam

[illegible]

1894 [illegible] 14 [illegible]

[illegible]

[illegible] 12 [illegible]

[illegible]

[illegible]

[illegible] 100 [illegible]

[illegible]

[illegible] 100 [illegible]

[illegible]

[illegible]

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[illegible] 13 [illegible]

[illegible] 13

[illegible] 12 [illegible]

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Taken before me

[illegible signature]

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ಕ್ರಮ

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5'37

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ಶ್ರೀ ಗುರುಸಿದ್ದಪ್ಪ ಕೆಲಸಗಾರರು ಅಂಚೆ ಕಚೇರಿ ಹಾಲಕೆರೆ

ಪ್ರಿಯ ಸಾಹೇಬರಿಗೆ ನಮಸ್ಕಾರ ಪತ್ರ ಬರೆಯುವವರು ಏನೆಂದರೆ ನಾನು ಹಾಲಕೆರೆ ಅಂಚೆ ಕಚೇರಿಯಲ್ಲಿ ಕೆಲಸಗಾರನಾಗಿ ಕೆಲಸ ಮಾಡುತ್ತಿದ್ದೇನೆ ನನಗೆ ಸಂಬಳ ಸರಿಯಾಗಿ ಕೊಡುವುದಿಲ್ಲ ಆದ್ದರಿಂದ ನನಗೆ ಸಂಬಳ ಹೆಚ್ಚಿಸಿ ಕೊಡಬೇಕೆಂದು ಕೋರಿಕೊಳ್ಳುತ್ತೇನೆ ಸಂಬಳದ ಹೆಚ್ಚಳಕ್ಕಾಗಿ ಮನವಿ ಪತ್ರವನ್ನು ಸಲ್ಲಿಸಿದ್ದೇನೆ ಆದರೆ ಇಲ್ಲಿಯವರೆಗೂ ಸಂಬಳ ಹೆಚ್ಚಿಸಿಲ್ಲ ಆದ್ದರಿಂದ ಸಂಬಳ ಹೆಚ್ಚಿಸಿ ಕೊಡಬೇಕೆಂದು ಕೋರಿಕೊಳ್ಳುತ್ತೇನೆ ಇಂತಿ ತಮ್ಮ ವಿಶ್ವಾಸಿ ಗುರುಸಿದ್ದಪ್ಪ ಕೆಲಸಗಾರರು ಅಂಚೆ ಕಚೇರಿ ಹಾಲಕೆರೆ

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ಇಂತಿ ತಮ್ಮ ವಿಶ್ವಾಸಿ

ಶ್ರೀ ಗುರುಸಿದ್ದಪ್ಪ ಕೆಲಸಗಾರರು ಅಂಚೆ ಕಚೇರಿ ಹಾಲಕೆರೆ ಇವರಿಗೆ ಅಂಚೆ ಕಚೇರಿಯ ಮೇಲಧಿಕಾರಿಗಳು ಬರೆದ ಉತ್ತರ ಪತ್ರ

ಶ್ರೀ ಗುರುಸಿದ್ದಪ್ಪ ಕೆಲಸಗಾರರು ಅಂಚೆ ಕಚೇರಿ ಹಾಲಕೆರೆ ಇವರಿಗೆ ತಿಳಿಸುವುದೇನೆಂದರೆ ನಿಮ್ಮ ಪತ್ರ ಸಿಕ್ಕಿತು ಸಂಬಳ ಹೆಚ್ಚಿಸಿ ಕೊಡಬೇಕೆಂದು ಕೋರಿಕೊಂಡಿದ್ದೀರಿ ಆದರೆ ಸಂಬಳ ಹೆಚ್ಚಿಸಲು ಸಾಧ್ಯವಿಲ್ಲ ಕಾರಣ ಸಂಬಳ ಹೆಚ್ಚಿಸಲು ಮೇಲಧಿಕಾರಿಗಳಿಗೆ ಅಧಿಕಾರವಿಲ್ಲ ಆದ್ದರಿಂದ ಸಂಬಳ ಹೆಚ್ಚಿಸಲು ಸಾಧ್ಯವಿಲ್ಲ ಎಂದು ತಿಳಿಸಲಾಗಿದೆ

ಇಂತಿ ತಮ್ಮ ವಿಶ್ವಾಸಿ

[illegible]

[illegible]

1897 [illegible] 40

1893-94 [illegible] 495

వాది [illegible] — ప్రతివాది [illegible]

[illegible] 12-4-94 [illegible]

[illegible]

[illegible] 12 [illegible]

[illegible]

(A) [illegible]

(B) [illegible]

(C) [illegible]

(F) ——

(G) ——

(H) ——

(I) 75 ——

(J) ——

"Copy

Parliament

Secretariat

Ref.

12

Read,

Letter No 13 '06/97 of 30th

August 1894 from the Dy

Com.r Chingleput dist.

reporting the action

taken by him on the

attachment, by the

Honble Munsiff's

Court, of a portion of

Land No 12 situated

at Mahapuzhalli

of the Uttiram Sub-

Taluk, originally belong-

-ing to the Kanthiyur

Hascdar Haraspha

but the possession whereof

has been subsequently

transferred by him to

one Kasappa Mudali

behalf the land in

(12)

& reports the under
attachment.

Order No 5624 5/25
R.7244-9226

The Dy Comr's action
in having preferred a
claim on behalf of
Govt is approved. The
is not stated
in this report
whether the alienor
Hariappa is still
doing the Shanbhogue
duties and what the
amount of his Potgi
is, nor how the land
in question has been
treated by the Survey
Dept in settling
Potgi.

3. The Dy Comr

Section A
File No. 63-94
Serial No. 2

Put up with the enquiries.

Submitted
W/Memo

is requested to submit
a further report in
the subject

2019

Chief Clerk

To

The Hon'ble Commissioner
Coimbatore City

AM

(13)

Gen. Serial No. 30.

Section. Rev.

File No. 67-96

Serial No. 3 1 1

REVENUE DEPARTMENT
Gl. No. 3291
R 2/19
21 OCT 95
DEWAN'S OFFICE.

Rev
Reps - 1 copy
22/10/95

To

The Chief Secretary to the Govt
Dewan of Mysore.

Dated 19

Despatched 3 Octr 95

Received

Enclosures No. 2.

General No. 2911
No. 1776

In reply to

SUBJECT

Submitting copy of Court Report in re the Attachment made in the Kannadi Pannia Court of Summons &c: & Praying for Orders thereon

Submitted for orders
The bill of Costs may be awarded
Whether the Land should be restored as recommended by the Asstt Comr - Remains to be settled - Please see para 5 of serial No 11 in the file below
22
24/10/95

Asstt Comr may submit detailed statement as early as possible, a copy of the letter
9
25-10-95

Drafted
AB
25/10/95

References (to be entered only in the Dewan's Office.)
R 7 24/10/95 put up
28/10

No 202
1907

GOVERNMENT OF NEW SOUTH WALES

Sir,

Municipal District of
Cootamundra
Date 15th October 1907.

To
The Town Secretary &c
Municipal Council of Illyarie
Bangalore

Sir,

I have the honour to acknowledge
receipt of your letter dated the 20th
A.7.2444-92
September 1907 informing me that
adopted by the Police in Magistrate
against the attachment made by the
Municipal Council of Illyarie
No 12 (Illyarie Steam Laundry) situ-
-ated at Machinaralli in the
Parish and Land District of this District,
Sale the Crown to take place on the
Centenarian Fielden & Co Limited
to an instrument had been
issued, the result that the Municipal
Council to the value of the same
received & on the 17th August last.
The further amount stated to be payment
to him of costs incurred by him.
He has now stated to Council a
bill for the services incurred
by him together with a copy of the
decree passed by the Municipal

in

in the Case, which we will be
duly entitled to Commutation.

2. As regards Items 2 of the
Proceedings under review, they
do not call for any observation
in the Charge and Audit in mau-
dang the Duties of the 2 Villages of
Mackinahulli and Kangsan
Amalgamated, Salary Rs. 71-4-0 in
Each Annually. The Accountant
or Peishcar (Hereditary Duties
Duty Account Rs. 4-2-3 in
Lieu of 12 Acres allowed, which
it would appear has also been
taken into Consideration by the Civil
Accountant in Settling the Pottah
Amount.

3. Vaidhas Sentence Criminal report
of 25 Dated 12th October 1894 with
Enclosures are Returned for
Reference.

I have the honor to be
Sir,
Your most Obedient Servant
Manager
Govt. Estate Commissioner.

Gen. 30]

189 (14)

Section X. R.

File No 63-94

Serial No 4

From The Revenue Secretary to the Govt. of Mysore.

To The Commissioner Kistna Project

Dated 24th October 1895.

Despatched 29

Received

General No 4086

No. A-1586. R.F. 24492

Enclosure No.

Ans No 2972 dated 8th Sept 1895 174

Forwarding a further Statement from report regarding the attachment made by under the orders of the Municipality of Honnali, of Survey No 1 (Service Inam land) attached to the Madenahalli Village in the Honnali Sub Taluk.

Requests that the Dy Commissioner will obtain and submit a copy of the Municipality's order, as early as possible.

Bangalore 27-10-95

25/10/95 Dewan's

REVENUE DEPARTMENT
Gl. No. 1407
1896-97
26 Aug 96
SECRETARIAT OFFICE

Gen. Sec.

Section A
File No 63-96
Serial No 5

From The Deputy Commissioner Chitaldrug District

To

The Secretary to the Government Dewan of Mysore.
Revenue Department.

Dated 15th August 1896.

Despatched

Received

General No. 1340
No. 122-

Enclosure No. 1-

(14)

His docket No 4086 R.F. 246-92 dated the 27th October 1895 calling for copy of Hosmali Munsiff's order regarding the release from attachment made of Survey No 12 (Service Inam land) attached to the Machenahalli Village in the Hariharapatna Taluk.

In reply has the honour to submit herewith copy of order made by the Munsiff of Honnali in execution application No 485 of 1893-94 as received in this office

Rec'd 20/8/96

Rep. Enclosure

Submitted for information orders.

The point for orders is whether the land should be resumed as recommended by the Dy Comr: in para 5 of paper serial no: 11 of this file.

25/8/96

Submitted for orders

25/8/96

Recd & Draft. 27.8.96

Issued 27-8-96

Returned

Rec'd 27-8-96

Despatched 27-8-96

Rec'd 28-8-96

Despatched 28-8-96

14th instant with
No 24 dated the 10th
inst.

I am Sir
Your most obedient
Humble servant
Deputy Commissioner

Ord. Nr. Ernst Jaeger z. Stamm
Direktionen Petition Nr. 20. v. 25-4
Direktion Approbation Nr. 45 v. 26-4
Original Akte Nr. 40 v. 8/5

Estländische Gouvernements-Regierung

Der Livländischen Gouvernements Regierung Exemplar dieses Befehls zur Nachricht und Nachachtung.

1. Livländische Gouvernements Regierung
2. Rathhäuser Sämmtlicher Kreise

Order.

Aus der estländischen Gouvernements Regierung ist der Livländischen Gouvernements Regierung auf ihre Requisition vom 25. April dieses Jahres Sub Nr. 4[illegible]8 Folgendes eröffnet worden:

Es hat sich ergeben, daß der Ernst Jaeger aus Livland, Wolmarschen Kreises, Stamm, Direktion Petition Nr. 20. v. 25-4 Direktion Approbation Nr. 45 v. 26-4 Original Akte Nr. 40 v. 8/5 (6) Sohn des Stammbauern Ernst Jaeger, welcher sich in Estland, Werroschen Kreises, Stamm, Direktion Petition Nr. 20. v. 25-4 Direktion Approbation Nr. 45 v. 26-4 Original Akte Nr. 40 v. 8/5 niedergelassen hat, sich daselbst mit der Tochter des Stammbauern Jaan Kõrkmann, Namens Liso, verheirathet hat.

"Gesehen"

Draft as to

Read:—

Letter No. 106/97 dated 15th August 1894 from the Dy. Comm., Celicut drawing attn. bringing to notice the attachment by the Honble Munsiffs Court of a portion of land No. 12 attached to the office of Shanbagne of Mahajanahalli of the Hanhar Sub Taluk, in execution of a decree passed by that Court, & recommending that the land be resumed by Govt & treated as ordinary Kanda-ngan land.

Also- Subsequent correspondence ending with that officer's docket No. 134/122 & 27th Oct. 1895, submitting a copy of the Munsiffs order releasing the Service Inam land from attachment, on the motion of the Dy Com

Ord

* To be printed in extenso.

Section X IX
File No 12-94
Serial No 04/1
P

x To be printed in extenso

tion :- No 3229-36 dt 21-9-36
R.Y. 244-92

Government observe
the conversion
that, ~~reconsideration of the~~
~~of~~ indorsing Kaudagaon tenure
Inam Land is not the
proper remedy ; as by such
~~the~~ resumption, the object
for which these Service
Inam Lands have been granted
will be defeated. It is
therefore advisable that
and his heirs
the Shanbhag should
be threatened with dis-
they allow the Office Land
-missal, if ~~he~~ resorts
to such illegal acts in future.

Submitted with a draft of Govt orders.

4/9/96

Asst Secretary

31/8/96

To
The Dy Commr
Chitaldroog
returning the enclosures
to his No 172/174 & 15/10/95

" Dy Commr of Bellary
is invited for information

Submitted with a draft of Govt orders.

4/9/96

Asst Secretary

ated 10th August 1894, from the Deputy Commissioner, Chitaldrug

to state that land No. 12 situate at Mahajenahalli of the Harihar sub-taluk and attached to the office of shanbhog. A portion of it, measuring 8 acres a assessed at Rs. 16, of which Rs. 12 represent the jodi fixed thereon, was on and enjoyment of one of the *hissedars* named Hariyappa. A few years back, have transferred possession of that portion to one Kasappa from whom he borrow- Rs. 100 on the security thereof. In execution of a decree obtained upon a docu- er than the one relating to the said transaction, Kasappa has now placed the above- ed land under attachment.

2. On 19th December 1893, Hariyappa is reported to have hypothecated the said land to ne Timmappa for Rs. 300 under a registered document. Timmappa's application resisting the ove attachment comes on for hearing in the Honnali Munsiff's Court on the 14th instant.

3. Both the attachment and the hypothecation above referred to are open to objection, the land being an unenfranchised and inalienable service inam.

4. In a similar case, the Government ordered a petition to be filed objecting to the attachment placed at the instance of a judgment-creditor (Proceedings of Government No. 4978-88, dated 20th June 1892, and Proceedings of Government No. 11968-76—R. F. 244-92, dated 9th January 1893). As the attachment in the present case was made so far back as on 12th April last, and as it is desirable that an objection should be taken to it before it is too late, I have, in anticipation of Government sanction and in reliance upon the authority quoted above, authorized a pleader of the Honnali Munsiff's Court to at once prefer a claim under the provisions of the Code of Civil Procedure. The result will be intimated to Government in due course.

5. The hypothecation in favor of Timmappa being invalid and this being the second instance of such illegal alienation of the land by Hariyappa, I beg to recommend that the land be resumed by Government, and after being assessed to full revenue be disposed of by sale or otherwise (Proceedings of Government No. 16491—J. 917, dated 22nd March 1893, para 3).

6. The vernacular papers bearing upon the subject are herewith submitted.

ALSO :—Subsequent correspondence ending with that officer's docket No. 134—122, dated 27th October 1895.

His docket No. 4086—R. F. 244-92, dated the 27th October 1895, calling for copy of Honnali Munsiff's order regarding the release from attachment made of survey No. 12 (service inam land) attached to the Mahajenhalli village in the Harihar sub-taluk.

In reply, has the honor to submit herewith copy of order made by the Munsiff of Honnali in execution application No. 485 of 1893-94 and received in this office on the 14th instant with his No. 24, dated the 10th instant.

Honnali Munsiff's order.

In the Court of the Munsiff of Honnali,
Miscellaneous Petition No. 250 of 1893-94,
Execution Application No. 485 of 1893-94,
Original Suit No. 40 of 1890.

Petitioner.		*Counter petitioners.*
C. Sreenivasiengar, Esq., Deputy Commissioner, Chitaldrug district, on behalf of Government.	*versus*	1. Y. Kasappa, (Decree-holder). 2. Hariyappa (Judgment-debtor).

ORDER.

As the attached land No. 12 appears to be a service inam land, it is not liable to attachment and sale in satisfaction of Judicial decree, under the Proceedings of the Government No. 4978-88, dated 20th June 1892.

It is accordingly released from the attachment in this Court order on the file of this Court. The decree-holder should bear the costs of the Government in this case.

No. 3229-36—R. F. 244-92, DATED, BANGALORE, 21ST SEPTEMBER 1896.

ORDER THEREON.—Government observe that the conversion of the official inam land into ordinary kandayam tenure is not the proper remedy in cases like the one now brought to notice, as by such conversion the object for which these service inam lands have been granted will be defeated. It is, therefore, advisable that the shanbhog and his heirs should be threatened with dismissal, if they allow the official land to continue encumbered and remain in the possession of strangers. These lands in the hands of strangers are also liable to be summarily resumed. The Deputy Commissioner will intimate this order to the shanbhog and to the mortgagee in possession and submit a further report if further action is deemed necessary.

Secy. to Govt., Gen. & Rev. Depts.

To—The Deputy Commissioner, Chitaldrug district, returning the enclosures to his No. 292-174, dated 18th October 1895.
The Deputy Commissioners of other districts for information.

Exd.—H.A.R.